

1906-003
Lee Co.

Chancery Causes: Birdie Frost vs. James Frost
by bc

Gilpin, Pace, Rose, Roberts, Riley, Ewing

CA - Divorce
T - Vices

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for
Lee County, Virginia.

sketch into the Court,
Humbly complaining, your oratrix, Birdie Frost, *wife of James*
Frost, who sues by Garret Gilpin, her father and next friend, that
she is now nineteen years old; at the age of sixteen, and on the
19th day of October, 1902, she was married to her said husband, he
being twenty-four years old, and since that time has been to him a
constant, faithful and dutiful wife, and has borne him one child,
Emory Irvine Frost, who was one year old March 3rd, 1906; that her
husband, on the other hand, has been negligent and insufferably abusive
and violent to her, making her life miserable and endangering the same,
He has also been guilty of many acts of adultery in said county in the
vicinity of Ocoonita, and at other places in said county, within the
last two years. The exact dates and places of which acts she can not
now give, and which acts of adultery were committed without the con-
sent or connivance of your oratrix, within five years, and that she
has not lived or cohabited with him since she has had knowledge of his
said acts of adultery; that they last lived and cohabited together
as husband and wife in said county, of which county she is now and has
been all her life a resident; that on or about the ____ day of January,
1905, he abandoned her and has not returned to live with her; that
her said husband at the time of ~~their~~ said marriage was a married man
and had a living wife in the State of Tennessee from whom he had
never been divorced, which fact he kept concealed from your oratrix
until some time after their marriage, when he admitted the truth of
the charge to her and others; that her said husband, on or about the
5th day of February, 1906, shot and killed a man in said County of Lee,
by the name of Jasper Pace, for which crime he was indicted for murder
in your honor's court, at the May term, 1906, which indictment is still
pending and untied, and the said James Frost has been, a fugitive
from justice ever since the commission of said crime, and a non-res-
ident of the state of Virginia.

The object therefore of this bill, is to obtain a divorce from the bonds of matrimony existing between the plaintiff and defendant, and to have the custody of the said child decreed to your oratrix. To this end she makes the said James Frost, the party defendant to this bill, and asks that he be required to answer the same, but not under oath, answer under oath being waived; that your oratrix may be entirely divorced from him and the marriage dissolved and your oratrix given the care and custody of their child, the said James Frost being an unfit person to have the custody and care of said child; and for such other and further relief as her case may require and to equity may seem meet. May order of publication be made, posted and published against the defendant, who is a non-resident of this State. And your oratrix will ever pray &c.

Oratrix

Birdie Frost.

05 { Bill in Chy.

3 James Frost.

1906. July 28. Bill
filed and O.P.

" 1st Sept. Rules

O.P. completed &

D.N.

" 2nd Sept. Rules

D.N. Confirmed &
cause set for hear-
ing by plaintiff

Costs:

Clerk \$ 6.05

atty. 15.00 Retd.

Printer 5.00

Shff. 1.40

\$27.45

Court do 3.75

\$ 31.20

Birdie Frost,

Plaintiff.

vs.

In Chancery

James Frost,

Defendant.

This cause came on to be heard upon the bill of the plaintiff the order of publication, duly made posted and published against the defendant, the cause regularly matured at rules, and set for hearing by plaintiff, and the depositions of witnesses, and was argued by counsel for plaintiff.

The defendant failing to appear, plead answer or defend, on consideration thereof, it is adjudged, ordered and decreed that the bonds of matrimony existing between the plaintiff and defendant, be and they are hereby dissolved, and the plaintiff is forever divorced from the defendant, and that the plaintiff have the care and custody of her child named Emory Irvine Frost; and that the plaintiff recover against the defendant the cost of this suit. And the cause is stricken from the docket.

Birdie Frost.
vs. Decree
James Frost.

Entered in C.D.B.
#8, page 195-

Enter this decree

J. A. W. S. M.

Sept 17, 1906.

The depositions of V.D.Rose and others, taken before me, Geo.P.Cridlin, a commissioner in chancery for the circuit court of Lee County, Virginia, on the 10th day of Sept. 1906, ~~annexed to notice hereto attached~~, at the Office of J.W.Orr in the town of Jonesville, Va. which depositions are intended to be read as evidence in behalf of the plaintiff in a certain chancery cause now pending in the circuit court of Lee County, Virginia, in which Birdie Frost is plaintiff and James Frost is defendant.

Present: J.W.Orr attorney for plaintiff.

V.D.Rose, a witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation.

A.-- I am 43 years old, live near Ocoonita, Va., and am a farmer.

Q.2.-- Are you acquainted with the parties to this suit and if so how long have you known them?

A.-- I am not acquainted with the plaintiff but am acquainted with the defendant.

Q.3-- How long and where did you know the defendant?

A.-- I first became acquainted with him in the Spring or Summer of 1905, and he remained in my neighborhood until a few days before I heard of his killing a man by the name of Pace in the lower end of this County. I have not seen him since he left the neighborhood at the time spoken of.

Q. 4.-- What did James Frost do or follow while he lived in your neighborhood?

A.-- He worked at the Extract Wood business.

Q.5.-- Where did he board or stay while he was there?

A.-- He staid at his brother's Joseph Frost.

Q.6.-- Was there any one else staying there except the family of Joseph Frost?

A.-- There was a girl by the name of Lizzie Roberts staying there.

Q.7.-- Was she married or single?

A.-- She claimed to be single.

Q. 8.-- Did she have a child with her and if so how old was it?

A.-- She did have a child with her, which appeared to be 4 or 5 years old

Q. 9.-- Do you know who was the father of that child, or what she said about it, if so state.

A.-- I heard her state that James Frost was its father, and I heard him state the same thing at different times.

Q.10.-- Did you ever see any improper or intimate conduct between James Frost and this girl while they lived at Joseph Frost's?

A.-- I can't say that I did. They seemed to be on friendly, intimate terms. I have seen them go out and get wood together.

And further this deponent saith not.

N. S. Rose

Witness claims 1 Day \$0.50

The further taking of these depositions is adjourned to the residence of D.J.Riley, near Ocoonita, Lee County, Virginia, on the 11th day of September, 1906.

Geo. P. Tidline
Commissioner in chancery.

Louisville & Nashville Railroad CompanyStation1906

Met pursuant to adjournment at the residence of D. J. Riley near Occornita, Lee County, Virginia on the 11th day of Sept. 1906.

Present same parties as on yesterday

D. J. Riley a witness of lawful age being duly sworn deposes as follows:

Q. 1. - State your age, residence and occupation.

A. - I am about 51 or 52 years old, reside near Occornita, Lee Co. Va. and am farmer.

Q. 2. - are you acquainted with the parties to this suit, and if so how long have you known them?

A. - I am not acquainted with the plaintiff, but have known the

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Station

1912

and the general talk of the neighborhood was that they lived together in the house where this disposition is now being taken, and it was also said that the Roberts woman had had a child by him - they both claimed that themselves.

Q 5- Do you know whether or not the defendant was married in the state of Tennessee before he came to this County, and if so when and who to?

A.- He was married in Tennessee to Maggie Osbourne, several years ago, and before 1903.

Q 6- Was he ever divorced from his wife in Tennessee and is she still living

A. If he was ever divorced I have

Louisville & Nashville Railroad Company

Station

#11

defendant about all his life. I know him in Hancock County Tenn. where he was borned and raised.

Q. 3.- Was he ever in this neighborhood and if so how long did he remain here?

A.- He worked here several months logging &c. and left here about the first of last February. In a few days after he left it was reported that he had killed Jasper Pace in the west end of this County.

Q. 4.- While he was in this neighborhood did he, or not have a woman with him, and if so who and under what circumstances did they live?

A.- Lizzie Roberts was here at the time

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Station

790

never heard of it, and I have in-
quired of a number of people from
over there. I was Deputy Sheriff while
over in Tennessee and I heard of
no such suit in Court, and I at-
tended them pretty regularly. I sup-
pose his wife is still alive, I have
heard lately that she is still alive
I moved from Hancock County, Tenn. to
this County last October or November.
While there I lived near the defendant.

And further this deponent says not.

D. J. Riley

Witness Claims 1 day .50

The further taking of these depositions is adjourned to the of-
fice of J.W. Orr, at Jonesville, Va., on the 13th day of September,
1906.

Geo. P. Crittlen, Coun in Chg.

Met pursuant to adjournment at the law office of James W. Orr
Jonesville, Virginia.

Garret Gilpin another witness of lawful age, being duly sworn
deposes and says.

Q. What relation are you to the plaintiff Birdie Frost?

A. I am her father.

Q. When were the plaintiff and defendant married.

A. They were married in this county October, 1903.

Q. How long and where did they live together and where did they live
as husband and wife?

A. They lived together most of the time in this county, and until
about Jan. 1905. when he abandoned and left here she remained at my
house where she has lived ever since.

Q. How old was your daughter when they were married.

A. About sixteen years old.

Q. How old was he.

A. About twenty four or five.

Q. Has he ever returned to live with your daughter as his wife?

A. No sir.

Q. Is your daughter a resident of this county?

A. Yes sir, she is and has been for several years, and ever since he
abandoned her.

Q. Is your said daughter the mother of the child named Emory Irvine
Frost, and if so how old is the child?

A/ She is, and was one year old the 3rd day of last March.

Q. Do you know any criminal offense committed by the defendant in
this county since his marriage to your daughter? if so state what it
was and all about it.

A. I was present in this county near Caylor Virginia when he shot and
killed one Jasper Pace. Frost left soon after the killing and has never
been back that I know of.

I was afterwards called before the grand jury and I am informed an indictment was made . I have been informed that James Frost at the time he married my daughter had a living in Hancock County Tenn. from whom he had never been divorced.

And further this deponent saith not.

Garrett Gilpin

H. C. T. Ewing another witness of lawful age being duly sworn deposes and says?

Q. What official position do you hold?

A. I am County Clerk for Lee County, Virginia.

Q. Is there an indictment pending in the Circuit Court for this County against James Frost and if so, will you please file a certified copy of said indictment with your deposition as part thereof, marked "Indictment"

A. There is an indictment pending in the Circuit Court against James Frost for murder which indictment has not been tried, and I file a certified copy thereof with this my deposition as part thereof, marked indictment as requested.

Q. And further this deponent saith not.

H. C. T. Ewing.

Virginia, Lee County, to-wit:

I, Geo. P. Cridlin, a commissioner in chancery for the circuit court of Lee county, Virginia, do hereby certify that the foregoing depositions of V. D. Rose, D. J. Riley, Garrett Gilpin and H. C. T. Ewing were taken, sworn to and subscribed before me at the times, places and for the purposes in the caption and several adjournments mentioned.

Given under my hand this the 13th, day of September, 1906.

Geo. P. Cridlin.
Commissioner in Chancery.

Birdie Frost
vs. { In Chy.

James Frost

Depositions of

V. D. Rose - 1 day - .50

D. J. Riley - 1 day - .50

Garrett Kilpin

H. C. J. Ewing

\$1.00

Comm. 5 hours \$3.75

Filed Sept. 13, 1906.

H. C. J. Ewing
Clerk.

In the Clerk's Office of the Circuit Court of the County of
Lee

Birdie Frost

Plaintiff

against

James Frost

Defendant

This day Birdie Frost personally appeared
before me M. E. Hawary, Deputy Clerk of the said Court,
and being duly sworn, made oath that James Frost

defendant in the said suit ^a is not resident of the State of Virginia, & that the
object of this suit is to obtain a divorce
from the bonds of matrimony existing
between these parties.

Given under my hand as Clerk of the said Court, this 28 day of July, 1906.

M. E. Hawary, D. Clerk.

Birdie Frost

vs.

}

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

James Frost

Orin & Noel, p. q.

Birdie Frost

vs. }

ORDER OF
PUBLICATION

James Frost -

Virginia, Lee County, to-wit:
I, W.C. Cewing, clerk of
The Circuit Court for the
County aforesaid, in the
State of Va., do certify that
I posted a true copy of
The within order of publi-
cation at the front door
of The Court House of this
County, on this day,

Given under my hand,
This July 28, 1906 -

W.C. Cewing, clerk.

MARRIAGE LICENSE

Virginia, Lee County to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

James Frost
and Birdie Gilpin

Given under my hand, as Clerk of the County Court
of Lee County this 18th day of Octo. 1902

B. M. Morgan Clerk.
Mr. E. H. Morgan & Co.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA AS AMENDED BY ACT OF FEBRUARY 3, 1906.

Time of Marriage, Octo 19 th 1902	Place of Husband's Birth, Hancock Co. Tenn.
Place of Marriage, Lee Co. Va.	Place of Wife's Birth, Lee Co. Va.
Full Names of Parties Married, James Frost and Birdie Gilpin	Place of Husband's Residence, Hancock Co. Tenn.
Color, White	Place of Wife's Residence, Lee Co. Va.
Age of Husband, 24 years	Names of Husband's Parents, Elias and Martha Frost
Age of Wife, 18	Names of Wife's Parents, Garrett and Mary Gilpin
Condition of Husband (widowed or single or divorced), Single	Occupation of Husband, Farmer
Condition of Wife (widowed or single or divorced), Single	

Given under my hand this 18th day of Octo. 1902

B. M. Morgan Clerk.
Mr. E. H. Morgan & Co.

Certificate of Time and Place of Marriage.

I, Rev. A. J. Dean, a Minister of the Gospel of the Presb. & Reformed Church, or religious order of that name, do certify that on the 19th day of Oct. 1902, at my Residence, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 19th day of Oct. 1902

Rev. A. J. Dean

The Minister celebrating a marriage is required within two months thereafter, to return the License to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

James Frost
By marriage License
Birdie Gilpin

Page 111

Virginia: County of Lee, to-wit,

In the Circuit Court of the said County.

The jurors of the Commonwealth of Virginia, in and for the body of the County of Lee, and now attending the said court at the May term thereof, ¹⁹⁰⁶ upon their oath, present that

James Frost

on the _____ day of _____, in the year one thousand nine hundred and Six

in the County of Lee, did with force and arms in the County aforesaid in and upon the body of one Jasper Pace in the peace of said Commonwealth then and there being feloniously, wilfully and of his malice aforethought did make an assault and that the said James Frost a certain pistol of the value of five dollars then and there charged with gun powder and of leaden bullet which said pistol he the said James Frost in his right hand then and there had and held then and there feloniously, wilfully and of his malice aforethought did discharge and shoot off to against and upon the said Jasper Pace and that the said James Frost with the leaden bullet aforesaid out of the pistol by the said James Frost discharged and shot off as aforesaid then and there feloniously, wilfully and of his malice aforethought did strike, penetrate and wound the said Jasper Pace in and upon the belly of him the said Jasper Pace giving to him the said Jasper Pace then and there with the leaden bullet aforesaid so as aforesaid discharged and shot off out of the pistol aforesaid by the said James Frost in and upon the belly of him the said Jasper Pace one mortal wound of which said mortal wound the said Jasper Pace then and there instantly died, And so the jurors aforesaid do say that the said James Frost him the said Jasper Pace in the manner and by the means aforesaid feloniously, wilfully and of his malice aforethought did kill and murder,

against the peace and dignity of the Commonwealth.

Upon the evidence of

Garrett Gilpin
and Harry Brooks

witness sworn in open

court and sent to the Grand Jury to give evidence.

A Copy Teste:
H. C. T. Ewing,
Clerk.

Commonwealth

VS.

INDICTMENT FOR A

Felony

James Frost

Murder

A TRUE BILL.

J. O. Woodward
FOREMAN.

"Indictment."

~~Virginia--Lee County, to-wit:~~

I, H. C. T. EWING, Clerk of the Circuit Court for the County aforesaid, in the State of Virginia, do certify that the within is a true copy of an indictment found and returned by the Grand Jury of said county at the

term, 190

, of the Circuit Court of said County, together with the names of the witnesses upon whose testimony such indictment was made against

for a misdemeanor, and the same is hereby certified to

, a justice of the peace for

magisterial district of said county, to be tried and disposed of by him according to law.

Given under my hand, this the

day of

190

Clerk.

~~20
 20
 1.40 .50
 1.90
 1.90~~

~~1.90 -~~

Phipps Summed
 2 witnesses \$.40
 2 Rules 1.00
 2 witnesses 1.00

Cr 100 Phipps 2.40

Cr 150 1.50

100 - Phipps .90

$$\begin{array}{r}
 416.76 \\
 34.81 \\
 \hline
 \$381.95
 \end{array}$$

$$\begin{array}{r}
 23.50 \\
 9.11 \\
 1.47 \\
 .73 \\
 \hline
 34.81
 \end{array}$$

The Commonwealth of Virginia,

To the *Sherriff* of the *County* of *Lee*, Greeting:

WE COMMAND YOU, That you summon

Van Rose

Jesse Riley and

to appear before the ~~Judge of~~ *Me, Cmr. in Chy for Circuit* Court of the *County* of *Lee*
office of J. W. Orr, in Jurewill Va.
at the court house thereof, on the *10* day of *September* 19*06*, to show cause,

if any ~~they~~ can, why ~~they~~ should not be attached and fined for ~~their~~ contempt, in not
having appeared before me, at the office of J. W. Orr, at Jurewill, Va. on
attending our said court on the *6th* day of *September* 19*06*, as to testify

and give your disposition to be read as evidence in behalf
of plaintiff in the Quincey case pending in Circuit Court of Lee County, of Birdie
Crout vs. Francis Frost
having been duly summoned, and not appearing when solemnly called. And have then there this writ.

WITNESS, *Given under my hand*, Clerk of our said court, the *6th*
day of *Sept.* 19*06*, in the _____ year of the Commonwealth.

Geo. P. Cridder, Cmr. in Chy.

Birdie Frost

Rule vs.

Jesse Riley &
Van Rose

vs.

for failing to attend as a

witness

on

6

day of

Sept.

1906

James Frost

To

Term.

Court.

Executed by
DeWing
Capt to the
parties —
W. C. Smith etc.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

Jessie Riley & Van Rose,

undersigned Court in chancery, Geo. P. Ewing
to appear before the ~~Judge~~ of our Circuit Court of the County of Lee, at the court-house thereof, on the ~~28th~~ *28th*
day of *September* 190*6*, to testify and the truth to say in behalf of the *Plaintiff*

in a certain matter of controversy in our said court before the
said Judge depending and undetermined between *Birdie Frost*

Plaintiff, and

James Frost

Defendants

And this

they

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the

28th day of *August*

190*6*, and in the *13th* year of the Commonwealth.

H. C. T. Ewing, Clerk.

Birchie Frost.

vs.

} SUBPOENA
FOR
WITNESS

James East.

J. H. C. Office
Circuit Court,

the 6th day of September.

190-6.
Entered by
Jimmie Van Rose
and Jesse Riley this
Sept 4, 1906
To R. Phipps \$2.00
Pay roll d. L. C.

.40
1.00

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

James Frost

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *August*, 190*6*, to answer a bill in chancery exhibited against *him*

by Burdick Frost

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *27* day of *July*, 190*6* and 1*31* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Burdie Frost

VS

}

SUBPOENA
IN
CHANCERY.

James Frost

Ort & Kohl, p. q

To

1st August

Rules.

Leirault

Court.

1906

Order of Publication

In the Clerk's Office of the Circuit
Court of the county of Lee, on the
28th day of July, 1906.

BIRDIE FROST, Plaintiff,
against
JAMES FROST, Defendant,
In chancery.

The object of this suit is to obtain a divorce from the bonds of matrimony existing between the parties. And an affidavit having been made and filed that the defendant, James Frost is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posted at the front door of the Courthouse of this county as prescribed by law.

A copy--Teste:

H. C. T. EWING, Clerk.

By M. E. FLANARY, D. C.

ORR & NOEL, p. q

Birdie Frost

vs

{ In Chancery

James Frost



I, J. C. Boatright, editor
of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 2nd
day of August 1906

J. C. Boatright, Editor.

FEE \$5.00